

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	No. 4:15 CR 310 AGF/TCM
ANTHONY McDONALD et al.,	)	
	)	
Defendants.	)	

**GOVERNMENT'S MOTION FOR PRETRIAL DETERMINATION OF  
ADMISSIBILITY OF ARGUABLY SUPPRESSIBLE EVIDENCE AND  
DISCLOSURE OF ARGUABLY SUPPRESSIBLE EVIDENCE  
PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 12(b)(4)**

COMES NOW the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and John T Davis, Assistant United States Attorney for said District, and makes the following disclosures pursuant to Federal Rule of Criminal Procedure 12(b)(4):

At trial, the Government intends to use the evidence seized and statements made by the defendants during the events described below. This evidence and these statements are more fully set forth in investigative reports and computer discs which, if not provided previously, will be made available to defendants. In addition, all files and evidence maintained by the government that are legally available to the defense in this matter are open for inspection by the defense.

The Government has listed all of the defendants that it believes could possibly argue standing to contest each matter, although the Government is in no way conceding that these individuals, in fact, have standing on these events. Furthermore, the fact that certain defendants are listed as associated with each event would not preclude any other defendant from claiming

standing.

In connection with this filing, the Government moves for pretrial determination of admissibility of arguably suppressible evidence.<sup>1</sup>

The Government has not included in its listing of events the various episodes of manual surveillance conducted by Inspectors/Agents nor has it included security camera video footage of events occurring during the course of the investigation. Likewise, the government has not included "booking" information that may have been obtained. It is the Government's position that these events are not subject to suppression.

<b>DATE</b>	<b>EVENT/ITEM</b>	<b>DEFENDANT(S)</b>	<b>WITNESS</b>
Oct. 2, 2012	Search warrant – Express Mail parcel EI 460289223	Anthony McDonald & Deon Elam	Postal Inspector Joseph Widlowski St. Louis
Mar. 3, 2013	Search warrant – Express Mail parcel EI 4551429438	Anthony McDonald & Deon Elam	Postal Inspector Joseph Widlowski St. Louis
Mar. 16, 2015	Search warrant – Priority Mail parcel 9505511073475071600716	Anthony McDonald & Deon Elam	Postal Inspector Anthony Jacobs Los Angeles, CA
Jun. 1, 2015	Conversation with Deon Elam at time of arrest	Deon Elam	Postal Inspector Joseph Widlowski DEA Agent Sean Kassouf

As additional evidence is found, and as supplemental information comes to the government's attention, the government may choose not to use some evidence described, or to use

---

<sup>1</sup>The listing of a potential witness or witnesses is not meant to be all-inclusive. As the date set for hearings approaches, the Government may add, substitute or delete witnesses for various reasons.

evidence additional to that listed in these reports. If the government chooses to use additional evidence, a supplemental Rule 12(b)(4) notice, and/or a Notice of Intent to Seek the Admission of Evidence Pursuant to Federal Rule of Criminal Procedure 404(b) will be filed.

Respectfully submitted,

RICHARD G. CALLAHAN  
United States Attorney

/s/ John T Davis  
John T Davis #40915MO  
Assistant United States Attorney  
111 S. Tenth Street, Room 20.333  
St. Louis, MO 63102

**CERTIFICATE OF SERVICE**

I hereby certify that on July 22, 2015, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Courts electronic filing system upon counsel of record.

s/ John T Davis  
Assistant United States Attorney